

ORDINANCE NO. 173

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, ADOPTING A NEW CHAPTER 19 OF THE CODE OF ORDINANCES OF THE TOWN TO BE ENTITLED OFFENSES AGAINST PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR INTENT; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR PROCEDURE TO REMOVE; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

NOW, THEREFORE, BE IT ORDAINED by the Town of Cinco Bayou, Florida that:

Section 1. A new Chapter 19 of the Code of Ordinances of the Town of Cinco Bayou, Florida is adopted:

CHAPTER 19 OFFENSES AGAINST PROPERTY

ARTICLE I. GENERALLY

Secs. 19-1--19-30. Reserved.

ARTICLE II. GRAFFITI

Sec. 19-31. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Graffiti or other inscribed material includes any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any structural component of any building, structure or other facility, regardless of the nature of the material of that structural component.

Sec. 19-32. Intent

Graffiti on public and private property is a blighting factor which not only depreciates the value of property, but also the value of adjacent and surrounding communities. The Town Council finds and declares that graffiti or related inscribed material is obnoxious and constitutes a public nuisance. It is the Council's further intent to provide for the prohibition of the placement of graffiti on public and private property to the extent such prohibition is permitted by state law and to further prohibit persons from allowing graffiti to remain and thus foster the perpetuation of blight upon the community. The Town Council also finds and determines that the removal of graffiti can easily be accomplished by property owners of the Town within fifteen (15) calendar days.

Sec. 19-33. Prohibited acts.

(a) It shall be unlawful for any person to paint, mark, chalk or otherwise apply graffiti or other inscribed material on publicly or privately owned buildings, structures, vehicles, equipment, places or other similar locations or things within the Town.

(b) It shall be unlawful for the owner of any private property to permit graffiti or other inscribed material to remain so as to be capable of being viewed by a person utilizing any public right-of-way within the Town, such as but not limited to a road, parkway or alley, provided the Town has given the property owner written notice to remove the graffiti within a period of fifteen (15) calendar days and the graffiti or other inscribed material has not been removed within such fifteen-day period. If the fifteen-day period has expired, the Town may remove the graffiti with the consent of the owner and at the owner's expense. If the owner refuses to remove the graffiti after the fifteen-day period, the graffiti shall constitute a public nuisance and may be abated pursuant to Article II of Chapter 26 of this Code.

Sec. 19-34. Procedure to remove.

Whenever the Town Manager determines that graffiti or other inscribed material is so located on public or private property as to be capable of being viewed by a person utilizing any public right-of-way and the owner of the property consents to the removal of the graffiti by the Town, the Town shall be authorized to provide for the removal of the graffiti. If the Town provides for the removal of graffiti, it shall not

authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located. Prior to the removal of the graffiti, the Town shall obtain written consent of the owner, and the owner shall execute an appropriate release prepared by the Town attorney. The owner of private property from which graffiti is removed shall be fully responsible for reimbursement to the Town for all costs of removal of the graffiti.

Sec. 19-35 Penalty.

Any person convicted of violating the provisions of Section 19-33 (a) of this Chapter shall be punished as provided in Section 1-7 of Chapter 1 of this Code.

Secs. 19-36--19-40. Reserved

Section 2. Severability. If any word, sentence, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.


Section 3. Repeal of Conflicting Ordinances and Resolutions. All Ordinances and Resolutions of the governing body in conflict herewith are hereby repealed.

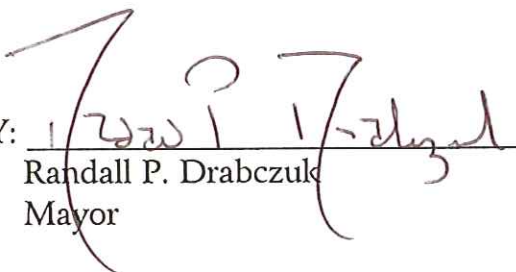
Section 4. Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED this 10TH day of April, 1997

THE TOWN OF CINCO BAYOU, FLORIDA

ATTEST:

BY: 
Elvin C. Bell as
Town Manager/Clerk (Seal)

BY: 
Randall P. Drabczuk
Mayor

